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June 6, 2001

The Honorable Michael Powell
Chairman
Federal Communications Commission
445 Twelfth Street, SW
Washington, DC 20554

REF: WT Docket No. 96-86

Dear Mr. Chairman:

At its May meeting in St. Louis, the Public Safety National Coordination Committee (NCC) reached consensus on a recommendation to be forwarded to the Commission concerning one of the technical standards for interoperable radios operating in the 700 MHz public safety band. This letter reports that consensus and urges that the NCC's recommendation be reflected in the Commission's rules.

By way of background, the Commission's public safety *Fourth Report and Order and Fifth Notice of Proposed Rule Making* contained the following rule setting out the technical standards for 700 MHz public safety radios used for data transmission:

> Transmitters designed for data transmission shall include a 12.5 kHz bandwidth mode of operation conforming to the following standards: ANSI/TIA/EIA 102.BAEA (data overview); ANSI/TIA/EIA 102.BAEB (packet data specification); ANSI/TIA/EIA 102.BAEC (circuit data specification); ANSI/TIA/EIA 102.BAEA (radio control protocol); ANSI/TIA/EIA 102.BAAA-1 (common air interface) for operation in the 12.5 kHz FDM mode.[1]

The NCC's specific concern in the quoted rule is the inclusion of both the packet data specification and the circuit data specification. The rule, as written, could be construed to mean that manufacturers must provide both packet and circuit capability in their radios – which would be both pointless and unduly expensive – or could be

[1] 47 C.F.R. § 90.548(a)(2).

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construed to mean that manufacturers have the option of providing either packet data capability or circuit data capability – which could result in certain data radios being unable to interoperate.

Motorola has noted the problem and filed a pleading urging the latter construction – allowing either packet data capability or circuit data capability, at the manufacturer's option.[2] However, because packet data radios and circuit data radios are incompatible, the Motorola scheme theoretically could result in the production of radios that are not interoperable, contrary to the mandate of the Public Safety *First Report and Order and Third Notice of Proposed Rule Making.*[3]

At the NCC's St. Louis meeting, all NCC members present, including experts in public safety communications and major equipment manufacturers – Motorola included – agreed, unanimously, that packet data is now so ubiquitous in the industry that there no longer is any need for, indeed any conceivable use for, circuit data capability in a 700 MHz public safety radio. Thus, requiring both circuit data and packet data capability in a radio – as a literal reading of the quoted rule may suggest – would serve only add to the cost, complexity and size of the radio, all to no purpose.

In the NCC's view, the circuit data specification is a vestigial component of the lengthy process that led to the development of the ANSI/TIA/EIA standard and has been overtaken by developments in technology. Indeed, we believe that the Commission was aware of that fact and that the inclusion of the circuit data specification in Section 90.548(a)(2) of the rules was inadvertent. Therefore, the NCC recommends that the term "ANSI/TIA/EIA 102.BAEC (circuit data specification)" be deleted from 90.548(a)(2) of the Rules. This will resolve any uncertainty on the part of radio manufacturers concerning interpretation of Section 90.548, thereby advancing the date when equipment for use in the 700 MHz public safety band becomes available.

The NCC respectfully requests that the Commission issue an erratum accomplishing deletion of the circuit data specification from the cited rule; if, in fact, its inclusion arose inadvertently. As noted above, there was unanimity among the NCC members present at its last meeting to the effect that circuit data capability is unnecessary. Moreover, it is a virtual certainty that no member of the public would object to deletion of that portion of the cited rule dealing with circuit data. Accordingly, if the matter is not disposed of through issuance of an erratum, the NCC suggests that the Commission issue a Public Notice stating a proposal to delete the circuit data specification from Section 90.548(c)(2) and soliciting public comment. This alternative to issuing yet a further notice of proposed rule making in this proceeding will conserve Commission resources and more rapidly will remove an impediment to the timely commencement of service on the 700 MHz public safety band.

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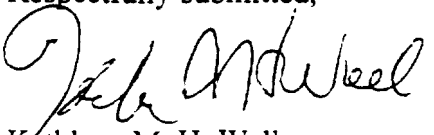
[2] Motorola Request for Clarification of the Fourth Report and Order, March 19, 2001.

[3] *See* The Development of Operational, Technical and Spectrum Requirements for Meeting Federal, State and Local Public Safety Agency Communication Requirements Through the Year 2010; Establishment of Rules and Requirements for Priority Access Service, WT Docket No. 96-86, FCC 98-191 (September 29, 1998) ¶ 135.

Respectfully submitted,



Kathleen M. H. Wallman
Chair, National Coordination Committee

cc: The Honorable Gloria Tristani
The Honorable Kathleen Q. Abernathy
The Honorable Michael J. Copps
The Honorable Kevin Martin, Commissioner - Designate
Thomas Sugrue
Kathleen Ham-O'Brien
D'wana Terry
Jeanne Kowalski
Michael Wilhelm